THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.17369 OF 2005

Date: 09.08.2005

Between:

Vanapalli Venkateswara Rao

….. Petitioner

and

The Revenue Divisional Officer, Kovvur and another.

……. Respondents.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.17374 OF 2005

ORDER:

This writ petition is filed seeking a *mandamus* declaring the action of the first respondent in not granting the stay of the orders of the second respondent, dated 21.05.2005, as illegal and arbitrary.

Petitioner claims to be the owner of Ac.1.06 cents of land in Survey No.241/3 of Penugonda village and that he is a land less poor person. He further claims that he inherited the said property from his maternal grand father Sri Karra Satyam, who was the original assignee of that land. While so, the petitioner received a show cause notice, dated 28.02.2005, alleging that the original assignee did not put the land into cultivation and since the petitioner is a pink card-holder, he is not eligible to hold the said land. Though the petitioner submitted his explanation, the second respondent, by an order, dated 21.05.2005, directed resumption of the said land, under Section 4 of the A.P. Assigned Lands (Prohibition of Alienation) Act, 1977, and further directed the Mandal Revenue Inspector to take its possession and hand over the same to the Panchayat Secretary for safe custody. Aggrieved by the same, the petitioner preferred an appeal before the first respondent, together with an application for stay. But, so far no orders have been passed on the stay application. Hence, he seeks necessary directions to the first respondent in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The grievance of the petitioner is that he filed an appeal, along with an application for stay, against the order, dated 21.05.2005, before the first respondent, however, no orders have been passed either in the stay application or in the main appeal. It is his case that the Mandal Revenue Inspector and the Panchayat Secretary are threatening to take possession of the land. When an appeal, along with an application for stay, is preferred before the first

respondent, he is under obligation to consider and pass appropriate orders therein.

Since the appeal preferred by the petitioner is pending consideration, it is not necessary to delve into the merits of the case. Therefore, the first respondent is directed to consider and pass appropriate orders either in the stay petition or in the main appeal itself, within a period of ten weeks from the date of receipt of a copy of this order, duly giving an opportunity to both the parties to put forward their case, in accordance with law. Till then, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the property in question.

With the above said directions, the writ petition is disposed of at the threshold. There shall be no order as to costs.

09.08.2005

Note:

Issue operative portion by wire.

(BO)

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